

# Notice of Allowability

Application No.

10/722,325

Examiner

Jimmy T. Nguyen

Applicant(s)

DERSCHEID ET AL.

Art Unit

3725

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 6/15/05.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ The drawings filed on 25 November 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**DERRIS H. BANKS**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney William Michael Dixon on August 24, 2005.

The application has been amended as follows:

**In claim 5, line 18:**

The words "an upper" have been replaced with --- said ---.

### *Reasons for Allowance*

The following is an examiner's statement of reasons for allowance:

Claim 1 is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a bale unloading arrangement including a carrier attached to a large round baler so as to move vertically; and a bale take-up device including a trough-shaped bale-receiving member and being mounted to the carrier *for being guided between a forward position, wherein the bale-receiving member is located adjacent a forward end of the carrier, and below, and facing an outlet of a baling chamber when a discharge gate is in a raised bale discharge position, and a rearward position located adjacent a rear end of the carrier and facing away from the outlet when the bale unloading arrangement is in a bale-depositing position*, in combination with the rest of the claimed limitations.

Claim 5 is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a bale unloading arrangement including a carrier attached to a large round baler so as to move vertically; and a bale take-up device including a carriage frame and a bale-receiving member mounted to said carriage frame *for pivoting vertically about a fore-and-aft extending axis between a bale-receiving position and a bale-depositing position*, and a powered tilt device being coupled between said carriage frame and said bale-receiving member for selectively moving said bale-receiving member between said bale-receiving and bale-depositing positions, whereby a bale carried by said bale-receiving member may be deposited on its end, in combination with the rest of the claimed limitations.

US 5,822,926 to Hood discloses a bale unloading arrangement including a carrier (54) attached to a large round baler (10) so as to move vertically and a bale take-up device including a trough-shaped bale-receiving member (48). The bale-receiving member mounted to a rear end of the carrier for pivoting vertically about a horizontal axis. Therefore, Hood fails to disclose the bale take-up device mounted for movement along the carrier between a forward position, wherein the bale-receiving member is located adjacent a forward end of the carrier, and below, and facing an outlet of a baling chamber when a discharge gate is in a raised bale discharge position, and a rearward position located adjacent a rear end of the carrier and facing away from the outlet when the bale unloading arrangement is in a bale-depositing position.

Additionally, Hood discloses the bale-receiving member being mounted for pivoting about a transverse extending axis. Therefore, Hood fails to disclose the bale-receiving member mounted to a carriage frame for pivoting vertically about a fore-and-aft extending axis between a bale-receiving position and a bale-depositing position.

Art Unit: 3725

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen  
August 24, 2005

  
DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700